

ORDINANCE 1572

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, AMENDING NORTH BEND MUNICIPAL CODE SECTIONS 20.09.020 AND 20.09.040, RELATING TO THE COLLECTION OF PAYMENTS FOR THE PROCESSING OF LAND USE DEVELOPMENT PROPOSALS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, pursuant to Chapter 20.09 of the North Bend Municipal Code, applicants for all land development proposals are required to pay city costs associated with the review and processing of those proposals; and

WHEREAS, the City Council of the City of North Bend desires to modify the method by which the City collects payment for the processing of land development proposals;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. NBMC 20.09.020, Amended: North Bend Municipal Code Section 20.09.020 is hereby amended to read as follows:

20.09.020 Definitions.

A. "Director" means the Community and Economic Development Director for the City of North Bend, Washington.

B. "Flat fee permits" means permits or services for which a fixed sum or charge shall be paid by the applicant.

C. "Land use development proposal" means those proposals defined as a "land use permit" or a "flat fee permit."

D. "Land use permit" means and includes, but is not limited to, applications for approval of permits relating to the use of land within the city, and shall be construed broadly to include all reviews, permits, or approvals sought under NBMC Titles 14 through 20.

E. "Processing costs" means all costs related to the processing of a land use permit, including, but not limited to actual time and materials costs for application review, assessment, engineering, inspections, legal, secretarial,

administrative, publication, and other city processing costs, as well as consultant costs and legal costs. Processing costs do not include flat fee charges for services.

Section 2. NBMC 20.09.040, Amended: North Bend Municipal Code Section 20.09.040 is hereby amended to read as follows:

20.09.040 Application processing costs; Deposit required.

A. The land use permit applicant shall pay to the city all Processing Costs associated with the processing of the land use permit, as such costs are defined in NBMC 20.09.020(E); provided, however, that there will be no charge for one preapplication meeting. After the preapplication meeting, the city shall inform the applicant, in writing, of the processing deposit that must be submitted with the land use permit application. The processing deposit is separate from, and required in addition to, the application fees required by NBMC 20.09.030.

B. The director shall calculate the total Processing Costs and the deposit for a land use permit application according to the following factors: (1) the estimated number of hours of city staff time required to process the land use permit multiplied by the staff members' applicable hourly rate(s); (2) the expected costs for postage, printing, publication, notice, posting, and other related administrative costs associated with processing the land use permit; and (3) the estimated number of hours of consultant and Hearing Examiner time required to process the land use permit multiplied by the consultant(s)' applicable hourly rate(s).

C. The city will establish a segregated deposit account for each application deposit required under subsection (A) of this section. The city will invoice the applicant monthly for all actual processing costs incurred, along with an administrative fee in an amount equal to 10% of the invoice total. The applicant shall pay all invoices within 15 days of mailing date. In the event the applicant fails to pay per this section, the City shall draw from the deposit. Applicant shall at all times maintain the initial deposit amount requested by the city. To ensure the efficient processing of the land use permit application, the applicant and the city shall execute a memorandum of understanding, in a form acceptable to the city attorney, for payment of processing costs required herein.

Section 3. Severability: Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date: This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 8TH DAY OF DECEMBER, 2015.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published: December 16, 2015

Effective: December 21, 2015

Susie Oppedal, City Clerk